

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RICHARD RICHARDSON,

Plaintiff,

-against-

**ANSWER TO  
PLAINTIFF'S  
INTERROGATORIES**  
07-CIV-7198 (LAK) (MHD)

NEW YORK CITY; NEW YORK CITY  
LIRR POLICE COMMAND DISTRICT #4;  
ALL JOHN DOE OFFICERS; JOHN DOE  
TOUR COMMAND; OFFICER FUENES,  
TAXID 086729; AND OFFICER  
SGT. SMITH;

Defendants.

-----X

Defendants, LIRR, MTA/LIRR POLICE DEPARTMENT, MTA POLICE  
OFFICER FUENTES AND MTA POLICE OFFICER SGT. SMITH, by their attorneys,  
LEWIS JOHS AVALLONE AVILES, LLP., respond to plaintiff's Interrogatories dated  
February 11, 2008 as follows:

Question #1: For Tour Commander Fitzpatrick: Do you hate black homeless  
males and females.

Answer #1 Investigation has disclosed there was no Tour Commander by the  
named of Fitzpatrick on duty for the MTA Police Department at the  
time of the incident.

Question #2 For Tour Commander Fitzpatrick. Being a Tour Commander do you  
think you are always right with your decisson you make.

Answer #2 See Answer to Question #1

Question #3 For Tour Commander Fitzpatrick. Do you have a lot of black and latino friends you hang out with.

Answer #3 See Answer to Question #1.

Question #4 For Sgt. Smith. Do you like your Tour Commander Fitzpatrick and do you have drinks at a bar after work. and talk about how many black you did wrong who are homeless.

Answer #4 As previously indicated there is no Tour Commander Fitzpatrick identified but if there had been Sgt. Smith would have answered No to Question #4.

Question #5 For Officer Sgt. Smith. Why did you tell me you glad I did not drop kick the witness Canala Katililu.

Answer #5 St. Smith denies making any such statement.

Question # 6 For Officer Sgt. Smith. Do you help or give money to the black homeless males and females or you hate them because all of them are on your post Penn Station and it make your fellow office look bad.

Answer #6 The question has nothing to do with this litigation and Sgt. Smith respectfully declines to respond.

Question #7 For Officer Raymond Fuentes. The Summons #4217356225 you gave plaintiff on June 26<sup>th</sup> 07 for disorderly conduct/unreasonable in which you claim witness Canala Katililu claims I was acting in a disorderly manner and plaintiff was to show up in Court on 8/29/07 and which plaintiff did show. But as an officer and suppose to

uphold the law. Why you didn't show up in Court. If I did all the things you claim.

Answer #7 Officer Raymond Fuentes did not recall the Court appearance referred to by the plaintiff.

Question #8 For Officer Raymond Fuentes. Is the reason you did not show up in Court is because you found out I was a black Africa American retired correction who was homeless and I was born in this country and witness Canala Katililu was not so you tried to make good on the lie.

Answer #8 No.

Question #9 For Officer Raymond Fuentes. Is it true that Tour Commander Fitzpatrick order you to give me the summons and you never said one word or ask any questions about me to witness Katililu, Canala.

Question #10. For Witness Canala Katilulu. (a) Was you born in this country if not were was you born. (b) Don't you hate american people. (c) Do you always lie and try to bring someone down who is better off than you.

Answer #10. Witness Canala Katilulu is an independent party not represented by the undersigned and no answers can be provided to questions proffered to him.

Dated: Riverhead, New York  
March 13, 2008

Yours, etc.

LEWIS JOHS AVALLONE AVILES, LLP  
Attorneys for Defendants  
NEW YORK CITY LIRR POLICE COMMAND  
DISTRICT #4, ALL JOHN DOE OFFICERS, JOHN  
DOE TOUR COMMAND, OFFICER FUENES,  
TAX ID 086729, AND OFFICER SGT. SMITH  
21 East Second Street  
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631.369.7600

By: \_\_\_\_\_

Edward G. Lukoski (EL-7845)

TO:

Richard Richardson  
1416 Brooklyn Avenue  
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Brooklyn, New York 11210  
718.282.3365

Sabrina Tann, Esq./Katherine Smith, Esq.  
Assistant Corporation Counsel  
Special Federal Litigation Division  
100 Church Street  
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STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF SUFFOLK )

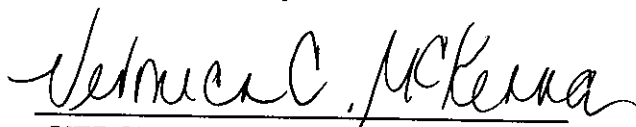
VERONICA C. McKENNA, being duly sworn, deposes and says:

That deponent is not a party to this action, is over 18 years of age and resides in Manorville, New York.


That on the 14<sup>TH</sup> day of March, 2008, deponent served the within **ANSWER TO PLAINTIFF'S INTERROGATORIES** upon the attorneys below set forth representing the parties, as indicated, at the addresses shown, said addresses being designated by said attorneys for that purpose, by depositing a true copy of same, enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

Richard Richardson  
1416 Brooklyn Avenue  
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718.282.3365

Sabrina Tann, Esq./Katherine Smith, Esq.  
Assistant Corporation Counsel  
Special Federal Litigation Division  
100 Church Street  
New York, New York 10007

  
VERONICA C. McKENNA

Sworn to before me this  
14<sup>th</sup> day of March, 2008.

  
Lois A. Skula  
Notary Public, State of New York  
Registration No.: 4966255  
Qualified in Suffolk County  
Commission Expires :May 1, 2010

SHOF  SIMET07-CV-762(ARR)Index No.  
**UNITED STATES DISTRICT COURT**

Year 20

**RICHARD RICHARDSON,***Petitioners,**- against -***NEW YORK CITY; NEW YORK CITY LIRR POLICE COMMAND DISTRICT #4; ALL  
JOHN DOE OFFICERS; JOHN DOE TOUR COMMAND; OFFICER FUENES, TAX ID  
086729 AND OFFICE SGT. SMITH,***Respondents.***Answer to Plaintiff's Interrogatories****LEWIS  JOHS****Lewis Johs Avallone Aviles, LLP**

Counsellors at Law

*Attorneys for**Office and Post Office Address*  
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631.369.7600 • Fax 631.369.7680  
FILE #:**CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. § 130-1.1a**

The undersigned hereby certifies that, pursuant to 22 N.Y.C.R.R. § 130-1.1a, the contentions contained in the annexed document(s) is not frivolous nor frivolously presented

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir: Please take notice

☐ **NOTICE OF ENTRY**that the within is a (*certified*) true copy of a  
duly entered in the office of the clerk of the within named court on

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☐ **NOTICE OF SETTLEMENT**that an order  
settlement to the HON.  
of the within named court, atof which the within is a true copy will be presented for  
one of the judges

on

20

at

M.

Dated,

*Yours, etc.***LEWIS  JOHS**